

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KENNETH CAILLAT and STEVEN
STIEFEL,

Plaintiffs,

v.

DAVID ADJMI;
PLAYWRIGHTS HORIZONS, INC.; THE
SHUBERT ORGANIZATION, INC.;
SUE WAGNER; JOHN JOHNSON;
SEAVIEW PRODUCTIONS HOLDINGS
LLC; SONIA FRIEDMAN PRODUCTIONS
LIMITED; LINDEN PRODUCTIONS, LLC;
ASHLEY MELONE; NICK MILLS; and
THEATRE COMMUNICATIONS GROUP,
INC.,

Defendants.

24 Civ. ()

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

Plaintiffs Kenneth Caillat and Steven Stiefel (collectively, “Plaintiffs”), by and through their attorneys, Greenberg Gross LLP, submit this Complaint against defendants David Adjmi, Playwrights Horizons, Inc., The Shubert Organization, Inc., Sue Wagner, John Johnson, Seaview Productions Holdings LLC, Sonia Friedman Productions Limited, Linden Productions, LLC, Ashley Melone, Nick Mills, and Theatre Communications Group, Inc. (collectively, “Defendants”).

NATURE OF THE ACTION

1. *Stereophonic*, a highly successful Broadway show, is an unauthorized adaptation of the copyrighted memoir of Ken Caillat, titled *Making Rumours: The Inside Story of the Classic Fleetwood Mac Album* (“Work” or “*Making Rumours*”). In this action, Mr. Caillat and his co-author, Mr. Stiefel, seek to hold accountable the writer of *Stereophonic*, Defendant Adjmi,

and other responsible parties, for their flagrant and willful infringement of Plaintiffs' copyrighted work.

2. *Stereophonic* is one of the most successful plays currently on Broadway. Dubbed "The Most Tony-Nominated Play of All Time," *Stereophonic* won five Tony Awards in 2024, including Best Play. Upon information and belief, *Stereophonic* has grossed more than \$20 million since opening on Broadway in April 2024. This success has rapidly propelled Mr. Adjmi into the limelight, and those involved with the play have profited handsomely. Yet hidden beneath the flashy surface is the disturbing truth that Mr. Adjmi wrote *Stereophonic* by stealing copyrighted material from *Making Rumours*.

3. *Making Rumours* is the memoir of Mr. Caillat, the sound engineer and co-producer for Fleetwood Mac's iconic Grammy-award-winning album *Rumours*, which he co-authored with Mr. Stiefel. The memoir, which was published and registered for a valid copyright in 2012, vividly portrays the making of the *Rumours* album from Mr. Caillat's viewpoint—primarily behind the glass of the control room within a recording studio. *Making Rumours* tells the story and perspective of a man whose contributions to the creation of one of the most celebrated albums of all time consisted of not only his engineering of the music, but also his engineering of the personalities and dramas of the musicians.

4. Plaintiffs never authorized Mr. Adjmi to copy, reproduce, or create a fictional adaptation or derivative work of their book. Yet *Stereophonic* copies the heart and soul of *Making Rumours*, and is substantially similar. The striking similarity is readily apparent right from the beginning of the show. The first thing audiences see when they watch *Stereophonic* is that the set for the play is a recording studio, with the audience positioned so that they are watching the play from the perspective of the engineers and producers of a rock album. Indeed,

the set of *Stereophonic* essentially places the audience in the very chair where Mr. Caillat sat as he engineered and produced Fleetwood Mac’s *Rumours*, as Plaintiffs vividly described in *Making Rumours*. The set of *Stereophonic* and the view that Plaintiffs described in their book are shown in the photographs below:

Photo 1¹



Photo 2²

¹ Julieta Cervantes, Photography of the cast and set of *Stereophonic* in PJ Grisar, “‘It’s my family play.’ Tony winner David Adjmi talks ‘Stereophonic’”, FORWARD (June 16, 2024), <https://forward.com/culture/theater/598891/stereophonic-david-adjmi-play-broadway-golden-theatre/>.

² Ken Caillat, “My view from the control room” in KEN CAILLAT & STEVEN STIEFEL, MAKING RUMOURS: THE INSIDE STORY OF THE CLASSIC FLEETWOOD MAC ALBUM (2012) 46 (hereinafter, MAKING RUMOURS).



5. Utilizing the set in the recording studio, *Stereophonic* then presents a nearly identical story arc as *Making Rumours*, which Mr. Caillat described as “Ken’s Wild Ride.” *Making Rumours* depicts Mr. Caillat’s career and relationship with Fleetwood Mac during the making of the *Rumours* album, by introducing songs and key events in the order that Mr. Caillat experienced during the making of the album. *Stereophonic* uncannily duplicates this precise arc. As a result, *Stereophonic*’s audience not only sits in the same place that Mr. Caillat sat, but the show also depicts Mr. Caillat’s wild ride as it is described in *Making Rumours*.

6. Mr. Adjmi implausibly denies that his script and show are based on the making of Fleetwood Mac’s *Rumours* album and that he based the script and show on Plaintiffs’ book. Instead, Mr. Adjmi publicly claims that *Stereophonic* is his “own invention” derived solely from his “imagination.”³ Mr. Adjmi maintains that he conceived a play set in a “recording studio” while listening to Led Zeppelin on an airplane.⁴

³ Greg Evans, “‘Stereophonic’ Playwright David Adjmi Sets The Record Straight On Rumours, Rock Stars And What’s In Store For Broadway’s Most Tony-Nominated Play Ever,” DEADLINE (May 24, 2024), <https://deadline.com/2024/05/stereophonic-playwright-david-adjmi-qa-1235924424/>.

⁴ Ethan Shanfeld, “Crafting ‘Stereophonic’: How ‘Terrifying’ Rehearsals, Creative Clashes and a Soundproof Studio Led to Broadway’s Buzziest Show,” VARIETY (Apr. 18, 2024), <https://variety.com/2024/legit/news/stereophonic-broadway-behind-the-scenes-1235974171/>; Darryn King, “The (footnote continued)

7. Mr. Adjmi says that he somehow “intuited” pivotal scenes, plot lines, characters, and conversations revolving around rock stars and complex musical techniques, even though he “didn’t know anything” about the world of “music and music production” and had never watched a live recording in a recording studio.⁵ This is beyond credulity.

8. Mr. Adjmi acknowledges that “there are iconographic elements that I stole from Fleetwood Mac [for *Stereophonic*],” but claims “I also stole from other things.”⁶

9. Despite the undeniable and substantial similarities between *Stereophonic* and *Making Rumours*, and many identical elements between the two works, Mr. Adjmi denies any copying from *Making Rumours*, stating: “When writing *Stereophonic* I drew from multiple sources—including details from my own life—to create a deeply personal work of fiction.”

10. Mr. Adjmi implicitly acknowledges having read *Making Rumours*, calling it an “excellent book,” but incredulously proclaims that “[a]ny similarities to Ken Caillat’s excellent book are unintentional.”⁷

11. Mr. Adjmi was previously accused of copyright infringement when he created a show called *3C* that was a parody of the iconic television series, *Three’s Company*. *David Adjmi v. DLT Entm’t Ltd.*, Case No. 1:14-CV-00568 (S.D.N.Y. filed Jan. 30, 2014). In that case, Mr. Adjmi prevailed because his show, as a parody, was found to constitute fair use. *3C*. See *David*

Agony and the Ecstasy of *Stereophonic* Playwright David Adjmi,” BROADWAY BUZZ (May 3, 2024), <https://www.broadway.com/buzz/204107/the-agony-and-the-ecstasy-of-stereophonic-playwright-david-adjmi/>.

⁵ Lizzie Stern, “Stereophonic: In Process: An Interview with David Adjmi,” PLAYWRIGHTS HORIZON (undated), <https://www.playwrightshorizons.org/watch-listen/in-process-an-interview-with-david-adjmi>; King, *supra* note 4 (“Adjmi is not a musician—not even ‘a music person.’”); PJ Grisar, “‘It’s my family play.’ Tony winner David Adjmi talks ‘Stereophonic,’” FORWARD (June 16, 2024), <https://forward.com/culture/theater/598891/stereophonic-david-adjmi-play-broadway-golden-theatre/>.

⁶ Jeff Lunden, “A New Play Peers Into a Band’s Life, From the Inside,” NPR (Apr. 19, 2024), <https://www.npr.org/2024/04/19/1245596962/stereophonic-broadway-music>.

⁷ Michael Schulman, “The Roots of the Tony-Winning ‘Stereophonic,’” NEW YORKER (Sept. 23, 2024), <https://www.newyorker.com/magazine/2024/09/30/the-roots-of-the-tony-winning-stereophonic>.

Adjmi v. DLT Entm't Ltd., Case No. 1:14-CV-00568 (S.D.N.Y. filed Jan. 30, 2014). The case of *Stereophonic* is very different because the show is not a parody or other fair use of *Making Rumours*. Indeed, as described above, Mr. Adjmi denies that he used *Making Rumours* at all, so he cannot claim fair use of the book.

12. The copyright infringement by Defendants is causing economic harm to Plaintiffs. The *Stereophonic* show is harming the downstream market for adaptations of *Making Rumours*. Prior to being alerted of *Stereophonic*'s infringement, Mr. Caillat was engaged in ongoing efforts to adapt his book into a film. In an article from May 24, 2024, Mr. Adjmi revealed that he intends to adapt *Stereophonic* into a movie.⁸ A movie version of *Stereophonic* would not only continue to infringe on Plaintiffs' copyright, but also undermines the potential for Plaintiffs to make their own film.

13. As redress for Defendants' infringement of Plaintiffs' copyright, Plaintiffs seek to recover actual damages, profits earned from the infringement, attorney fees and costs, and, if necessary, an injunction enjoining the performance of *Stereophonic* or any other exploitation of Plaintiffs' book, pursuant to the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

THE PARTIES

14. Plaintiff Kenneth Caillat is a renowned record producer and co-author of the book *Making Rumours*. Mr. Caillat is also the co-owner of a valid and registered copyright for *Making Rumours*. Mr. Caillat is a resident of the State of California.

15. Plaintiff Steven Stiefel is a writer and co-author of the book *Making Rumours*. Mr. Stiefel is also the co-owner of a valid and registered copyright for *Making Rumours*. Mr. Stiefel is a resident of the State of Iowa.

⁸ Evans, *supra* note 3.

16. Defendant David Adjmi is a playwright and the author of the script for *Stereophonic*. Upon information and belief, Mr. Adjmi is a resident of the State of New York.

17. Defendant Playwrights Horizons, Inc. is a not-for-profit corporation organized under the laws of the State of New York. Upon information and belief, Playwrights Horizons, Inc. owns and operates the Playwrights Horizons theater located at 416 West 42nd Street, New York, New York 10036, which is an Off-Broadway theater. Playwrights Horizons, Inc. commissioned Mr. Adjmi to develop a play. In this regard, upon information and belief, Playwrights Horizons, Inc. possessed the right and ability to supervise or control Mr. Adjmi's creation of *Stereophonic* pursuant to the commissioning agreement with Mr. Adjmi. Mr. Adjmi's play *Stereophonic* first premiered at Playwrights Horizons theater in October 2023, and was performed at that theater until December 2023.

18. Defendant The Shubert Organization, Inc. ("Shubert Organization") is a corporation organized under the laws of the State of New York, with its principal place of business in the State of New York. Upon information and belief, the Shubert Organization's corporate office is located at 234 West 44th Street, 6th Floor, New York, New York 10036. Upon information and belief, Shubert Organization owns John Golden Theatre, a Broadway theater located at 252 West 45th Street New York, New York 10036. Mr. Adjmi's play *Stereophonic* has been performed at John Golden Theatre since April 2024 and is scheduled to run at John Golden Theatre until January 2025, unless further extended.

19. Defendant Sue Wagner is a producer of *Stereophonic*. Upon information and belief, Ms. Wagner is a resident of the State of New York.

20. Defendant John Johnson is a producer of *Stereophonic*. Upon information and belief, Mr. Johnson is a resident of the State of New York.

21. Defendant Seaview Productions Holdings LLC (“Seaview”) is a producer of *Stereophonic*. Upon information and belief, Seaview is a limited liability company organized under the laws of the State of Delaware, having its principal place of business in the State of New York. Upon information and belief, Seaview’s headquarters is located at 311 West 43rd Street, 12th Floor, New York, New York 10036.

22. Defendant Sonia Friedman Productions Limited (“SFP”) is a producer of *Stereophonic*. Upon information and belief, SFP is a company chartered under the laws of the United Kingdom, which conducts business in the State of New York.

23. Defendant Linden Productions, LLC is a producer of *Stereophonic*. Upon information and belief, Linden Productions, LLC is a limited liability company organized under the laws of the State of California and is registered to conduct business in the State of New York.

24. Defendant Ashley Melone is a producer of *Stereophonic*. Upon information and belief, Ms. Melone is a resident of the State of New York.

25. Defendant Nick Mills is a producer of *Stereophonic*. Upon information and belief, Mr. Mills is a resident of the State of New York.

26. Defendant Theatre Communications Group, Inc. (“TCG”) is a not-for-profit corporation organized under the laws of the State of New York. Upon information and belief, TCG’s principal place of business is located at 520 8th Avenue, 20th Floor, New York, New York 10018. TCG is the publisher of the book version of *Stereophonic*.

JURISDICTION AND VENUE

27. This action arises under and pursuant to the Copyright Act of 1976, as amended, 17 U.S.C. § 101 *et seq.*

28. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and (b) because it arises under the copyright laws of the United States.

29. Venue is proper in the Southern District of New York pursuant to, *inter alia*, 28 U.S.C. §§ 1391(b), (c), and (d), in that a substantial part of the events and omissions giving rise to Plaintiffs' claims occurred in this district.

30. The Court has personal jurisdiction over Defendants because Defendants reside in the State of New York and/or committed and benefited from copyright infringement in this state.

FACTUAL BACKGROUND

Origins and Copyright Registration of *Making Rumours*

31. Mr. Caillat was a sound engineer who was eventually promoted to co-producer of Fleetwood Mac's *Rumours*, one of the top-ten selling record albums of all time. In 1976 to 1977, Mr. Caillat followed Fleetwood Mac first to Sausalito, California, and then to Los Angeles, California, to work on recording *Rumours*. Mr. Caillat not only played a critical part in ensuring the success of the *Rumours* album, but also came to know the band members intimately.

32. In 2012, Mr. Caillat and his co-author, Mr. Stiefel, published the book *Making Rumours*. That same year, Mr. Caillat and Mr. Stiefel registered *Making Rumours* for a copyright protection with the United States Copyright Office (Registration No. TX0007510843).⁹ This copyright remains valid.

33. Between 2012 and 2013, *Making Rumours* received widespread press coverage from national, local, and even international news and media outlets, including Bloomberg, CNN, The New York Times, New York Post, The Los Angeles Times, Slate Magazine, Reuters, Huffington Post, and Le Monde.

⁹ MAKING RUMOURS: THE INSIDE STORY OF THE CLASSIC FLEETWOOD MAC ALBUM (9781118218082) K., Registration No. TX0007510843.

34. Since its publication in 2012, *Making Rumours* has been widely available for purchase in bookstores and online worldwide, including from Amazon.com and Barnesandnoble.com, among many others.

35. *Making Rumours* describes, from Mr. Caillat's perspective, what happened behind the scenes to make the *Rumours* album. As described in the book's preface, "*Making Rumours* is about the journey that a handful of people, myself included, took during the mid-1970s. It's about how being part of the phenomenon of the *Rumours* album not only changed our lives but touched millions of other lives around the world forever. It is also the story of a perfect album, made out of flaws in the human spirit, sometimes through agonizing determination, love, lust, and a force of will that made failure unthinkable. It's a success story of epic proportions—not always pretty, but a dramatic illustration of greatness delivered, of passion embraced. It is my story, and I want to share it with you."¹⁰

36. Mr. Caillat and Mr. Stiefel particularly sought to highlight the making of the *Rumours* album from Mr. Caillat's perspective as a sound engineer. Mr. Caillat emphasized this viewpoint in the preface of the book, writing, "I want to take you on a journey so that you can understand what it was like being in the studio making *Rumours*. Imagine the control room of the recording studio being similar to the cockpit of a plane, nearly airtight, soundproof, and cramped. Imagine the band and the engineers all coming into that room, taking their seats, adjusting to get comfortable. Then I start the engines. The lights go down, and I turn up the speakers, as we leave everyone and everything else outside. We're alone for the next ten to

¹⁰ MAKING RUMOURS, *supra* note 2, at xiii.

fourteen hours. I spin around in my chair, look back at the band, and say, ‘What do you guys feel like working on today?’ What happens next is magic.”¹¹

37. Mr. Caillat and Mr. Stiefel took great pains to write the memoir as if the reader was in the control room, where Mr. Caillat had been. They described in detail the look and feel of the control room, the technical aspects of the setup of people, instruments, and equipment that Mr. Caillat orchestrated in order to achieve the best sounds, as well as the conversations Mr. Caillat had internally and externally that provided further insight into the creative process. Mr. Caillat and Mr. Stiefel also included specific images of the control room, the members of Fleetwood Mac and other key figures, and the instruments and equipment referenced in the memoir to further paint a picture for the reader.

38. Throughout the book, Mr. Caillat and Mr. Stiefel wove in stories about the making of the songs that were included on the final *Rumours* album, as well as songs that were recorded but did not make it on to the album. The songs served as plot points from which Mr. Caillat and Mr. Stiefel would share further insight of the band members’ personalities and their interactions with each other and with Mr. Caillat.

The Stereophonic Play

39. *Stereophonic* is a play written by Mr. Adjmi. The play contains music composed by Will Butler.

40. *Stereophonic* has been performed, and continues to be performed, on stage before live audiences. Upon information and belief, *Stereophonic* premiered in October 2023 at Playwrights Horizons, an Off Broadway theater in New York, New York, then moved to Broadway’s John Golden Theatre in New York, New York in April 2024. *Stereophonic* has

¹¹ MAKING RUMOURS, *supra* note 2, at xiii.

been extended multiple times and is currently scheduled to run through January 2025 at John Golden Theatre.

41. Upon information and belief, the script for *Stereophonic* has been made into a book, set to be released for publication on October 29, 2024, and can be pre-ordered online at Amazon.com.

***Stereophonic* Is “The Fleetwood Mac Play”**

42. Although Mr. Adjmi has sought to distance his play from Fleetwood Mac, *Stereophonic* is clearly based on Fleetwood Mac’s production of its enormously popular album *Rumours*. The setting and timeframe of the play correspond directly to that of Fleetwood Mac when it made *Rumours*. *Stereophonic* features a rock band recording an album between 1976 and 1977. The scenes are first set in a music studio in Sausalito, California, and second in a music studio in Los Angeles, California. As described in *Making Rumours*, the first studio that Fleetwood Mac used to record *Rumours* was at The Record Plant in Sausalito, California in 1976. The band then moved to a studio in Los Angeles, California to finish the recording in 1977.

43. The characters in *Stereophonic* are undeniably analogous to the members of Fleetwood Mac. The rock band in the play features five members composed of three men and two women, just like Fleetwood Mac. The British and American nationalities of the members of the band in *Stereophonic* are also exactly the same as the members of Fleetwood Mac. Additionally as with Fleetwood Mac, one of the British male band members in the play is a drummer and the accepted leader of the band, the other male British band member is a bassist, the American male band member is a guitarist and lead male vocalist, the American female band member is a vocalist and songwriter, and the British female band member is a vocalist and

pianist. Furthermore, the band members in *Stereophonic* include two couples who are in the midst of a breakup as the album is being recorded, which is exactly what was taking place within Fleetwood Mac when *Rumours* was being recorded.

44. The play features two sound engineers, including “Grover,” whom Mr. Adjmi has described as the “stealth protagonist of the play,”¹² just as Mr. Caillat and Richard Dashut were the two sound engineers for Fleetwood Mac. Moreover, “Grover” is new to the band depicted in *Stereophonic*, just like Mr. Caillat was new to Fleetwood Mac when he started working on the *Rumours* album. Finally, “Grover” gets promoted from a sound engineer to a co-producer during the *Stereophonic* play, just like Mr. Caillat was promoted from a sound engineer to a co-producer as the *Rumours* album was being recorded.

45. The connections between the play and Fleetwood Mac and the *Rumours* album are so obvious that multiple news outlets have called out the numerous similarities. Simply put, any attempt by Mr. Adjmi to disclaim *Stereophonic* as not being about Fleetwood Mac and *Rumours* is disingenuous.

a. As noted by one critic in reviewing *Stereophonic*: “This new play from Adjmi isn’t *literally* about Fleetwood Mac, but c’mon. It is, in all but name, the Fleetwood Mac Play.”¹³

b. According to another reviewer, *Stereophonic* was clearly a roman à clef of the members of Fleetwood Mac: “The play begins in 1976—the same year that Fleetwood Mac was recording its seminal album ‘Rumours.’ Peter [] and Diana [] are the obvious analogies of Lindsey Buckingham and Stevie Nicks; they are longtime lovers, but their relationship is tinged

¹² Stern, *supra* note 5.

¹³ Lauren Theisen, ‘*Stereophonic*’ Is “*The Fleetwood Mac Play*” And So Much Better For It, DEFECTOR (Nov. 8, 2023), <https://defector.com/stereophonic-is-the-fleetwood-mac-play-and-so-much-better-for-it>.

with professional jealousy—on Peter’s side. The British band members are vocalist and keyboardist Holly . . . ; her drug-and-booze-addled husband, Reg . . . ; and the drummer Simon They are the counterparts, respectively, of Christine and John McVie, and Mick Fleetwood.”¹⁴

c. As yet another reviewer commented: “They’re summoning the ghost of a band, and they probably don’t want to get sued. But the interest in this story is rooted in the aches of the *Rumours* birthing process[.]”¹⁵

Stereophonic Has Copied Making Rumours

46. *Stereophonic* is undoubtedly a play based on Plaintiffs’ memoir *Making Rumours* because substantial similarities exist between the two works, a reality that has been independently confirmed by those familiar with Plaintiffs’ book who have also had the opportunity to review the play.

47. First and foremost, *Stereophonic* copies “the heart” of *Making Rumours* and the original elements of the book that make it worth reading: the role of the sound engineer in making a great album, as seen from behind the glass in the control room. Mr. Adjmi has acknowledged that he intended to make a play that is set in a recording studio and that is told from the perspective of a sound engineer, a fact that *The New Yorker* recently noted.¹⁶ In fact, the introductory note to the script of the play states: “STEREOPHONIC takes place in the

¹⁴ Charles Isherwood, “‘Stereophonic’ Review: Fictionalizing Fleetwood Mac,” WALL ST. J. (Nov. 9, 2023), <https://www.wsj.com/articles/stereophonic-review-fictionalizing-fleetwood-mac-playwrights-horizons-david-adjmi-4b5c77e3>.

¹⁵ Craig Jenkins, *The Curious Case of the Stereophonic Cast Recording*, N.Y. VULTURE (May 18, 2024), <https://www.vulture.com/article/album-review-stereophonic-original-cast-recording.html>. The same critic further noted the discrepancies in the musical “inspirations” cited by Mr. Adjmi and his co-author Will Butler and the play’s clear overlap with Fleetwood Mac.

¹⁶ Schulman, *supra* note 7 (“Much of the story is told through the eyes of Grover, a bumbling engineer in his late twenties who, yes, gets promoted to producer.”).

control room and sound room of a music studio. The sound room is upstage and completely soundproofed. I’ve tried to translate spatial demarcations to the page: dialogue on the left side take place in the control room; dialogue on the right in the sound room.” This language directly mirrors that of Mr. Caillat in the preface of *Making Rumours*, in which he writes that he wants the reader to “understand what it was like being in the studio making *Rumours*. Imagine the control room of the recording studio being similar to the cockpit of a plane, nearly airtight, soundproof, and cramped.”¹⁷

48. Second, *Stereophonic* mirrors the arc of the story in *Making Rumours*, replicating “[a] significant number of plot beats and narrative details” from Plaintiffs’ book, which are used to advance the plot.¹⁸ As just a few examples:

a. In *Making Rumours*, Mr. Caillat and Mr. Stiefel highlight a pivotal event that transitions the role of Mr. Caillat from just a sound engineer with Fleetwood Mac to a producer of the *Rumours* album. The way the incident plays out and the dialogue that Mr. Caillat describes are nearly identical to a similar scene in *Stereophonic*¹⁹:

i. *Making Rumours*:

On the second pass of the recording of “Oh, Daddy,” Christine stopped playing. “Did you like that tempo or was the first better?” She looked directly into the control room at Richard and me.

Neither of us was prepared to answer her. We were completely focused on trying to get “Oh, Daddy” to sound great, not on doing what producers do.

Instead of keeping quiet, as I usually did, I said, “Why don’t you come in here and listen to both takes? Then you can decide”

“We don’t want to have to come in and listen every time we try out something different,” Christine said firmly. “We want you

¹⁷ MAKING RUMOURS, *supra* note 2, at xiii.

¹⁸ Hannah Gold, *Second Hand News*, N.Y. REV. OF BOOKS (May 18, 2024), <https://www.nybooks.com/online/2024/05/18/second-hand-news-stereophonic/>.

¹⁹ *The New Yorker* also identified this fact. See Schulman, *supra* note 7.

guys to start paying attention to tempos and keys and tuning and other important things and help us out here.” Her comments clicked with the band, and Richard and I understood them, too.

“Okay. We get it,” I said. “We’ll start keeping track of that.”²⁰

ii. *Stereophonic*:

GROVER Why don't you come in and have a listen?	HOLLY How does it sound Grover?
	HOLLY (cold) No I don't want to 'have a listen'. I don't have time to come in there and 'have a listen' every bloody time we lay something down. (BEAT) <i>What are you doing out there?</i> Why can't you be listening to us and paying attention to what's going on <i>in here</i> ? (TENSE PAUSE) <i>You start paying attention to the tempo and the key and the instruments and give us a little fucking help.</i>
GROVER (talkback) I'm not producing this album.	HOLLY I don't bloody care! I don't care if you're bloody producing the BLOODY ALBUM It's still <i>YOUR JOB!</i>
GROVER (talkback) Ok. I'll start being more vigilant.	

b. In *Making Rumours*, Mr. Caillat and Mr. Stiefel also narrate the ever-growing influence of Lindsey Buckingham in directing Fleetwood Mac’s music and how his aggressive style created conflict with other members, making Mr. Caillat’s job exceedingly more difficult. As an example, the book describes how Lindsey Buckingham recorded a different bass part for “Strummer” (later known as “Second Hand News”) than what John McVie had originally played. This scene is mirrored in an interaction between the characters “Peter” and “Reg” in *Stereophonic*:

²⁰ MAKING RUMOURS, *supra* note 2, at 76.

i. *Making Rumours:*

“And, um, John, I have an idea for you, too.

. . . John just looked at Lindsey. He didn’t say a word.

“How about a different bass part for ‘Strummer’? Something straighter with less movement than what we have now,” Lindsey suggested.

“Sure, mate,” John said. . . .

. . . “What do you think?” John asked Richard.

. . . “I’m not sure, John, it’s definitely different. Let see what happens when we add more instruments to the track,” Richard said, ever the diplomat.

“I’ll have to listen to it a few more times to get used to it,” John said. . . .

. . . Eventually, John asked Cris to make him a cassette of the track so that he could study it later, when he was alone.²¹

ii. *Stereophonic:*

PETER: Reg, I have an idea for “Domino”.

REG: What’s that?

PETER: What about a different bass part? Something a little... you know, with less movement?

[* * *]

REG (still recovering): You said it was too static before.

PETER: I know. But now it’s a little too far the other way. Let me show you.

Peter takes Reg’s bass and plays the riff.

PETER: What do you think?

BEAT.

REG: It’s different.

PETER: Right?

REG: It’s definitely different. Let’s add some more instruments and see.

²¹ MAKING RUMOURS, *supra* note 2, at 235–237, 242.

Peter quickly plays the riff once more.

REG: I have to hear it a few more times. It's hard to get used to this. It's not right to me but— (BEAT) Can you make a cassette of the track so I can have a listen at home? I need to get used to it.

c. In *Making Rumours*, Mr. Caillat and Mr. Stiefel gradually reveal Lindsey Buckingham's tendencies toward verbal and physical violence, culminating in an incident in which he chokes Mr. Caillat. As *The New Yorker* again points out, Mr. Adjmi copies the book's description of this event and the ensuing dialogue in *Stereophonic*²²:

i. *Making Rumours*:

"I can do better than that," he said after one take. "I can do better. Tape over that last one!"

He was asking me to record over what I thought was a really nice take. "Are you sure?" I asked. "That was really great."

Frustrated, he shouted, "No! Go over it!"

"Lindsey, are you *sure*?"

He stared at me through the studio glass. Then, firmly, "Yes!"

I looked at Richard. He nodded agreement. I said, "Okay," and I recorded over that previous guitar solo.

Lindsey played one more and then asked, "Play me that one from before. I think I liked it better."

Richard and I looked at each other, and I replied, "We just went over that one. Remember, you told me to?"

"You did what?" Lindsey demanded. His face turned bright red, and the veins in his neck began to throb.

Then he put his guitar down and charged into the control room, approaching me from behind while I was in my control booth seat. Lindsey placed both of his hands around my neck.

"You're an idiot!" Lindsey screamed at me, his hands tightening around my throat.

I was in an engineer's chair that swivels and tilts back. Lindsey had pulled me all the way back in my seat, and his hands could have crushed my windpipe. . . . But before I could do anything, everybody in the room was yelling at Lindsey.

Christine was the first to call out. "Lindsey, stop it! You told him to go over it!"

²² Schulman, *supra* note 7.

“Jesus, Lindsey, you’re crazy!” Richard yelled. “You told him to erase it. Don’t you remember?”

Finally, Lindsey just let go of my throat and stood upright. His hands dropped to his sides. “Sorry,” he said. He sat down in another chair and asked if he could hear what we had on tape. . . .

. . . Christine came over to me, put her arms around me, and said, “Lindsey, that was no way to treat Ken. He was just doing his job!”

“Lindsey, I think you owe him a better apology,” Mick said.

Lindsey came over to me and held out his hand. We shook. “I’m really sorry, man! Can you forgive me?” he asked.

“Yeah, forget it,” I said, angrily shrugging it off. I was still shaking.

“Great guitar sounds!” Lindsey added. “Can I get you a beer?”²³

d. Stereophonic:

²³ MAKING RUMOURS, *supra* note 2, at 263–264.

GROVER (talkback) I thought it was excellent You want to have a listen?	PETER (inaudible) How was that?
<i>Charlie rewinds the tape.</i>	<i>Peter removes his guitar, bounces into the control room.</i>
PETER Okay, let's hear.	
<i>Grover plays the track. Peter listens for a few seconds.</i>	
PETER You know what? Erase it. (BEAT) <i>(Charlie stops the tape)</i> I can do better. Let me have another go.	
GROVER Let's just hold onto that one.	
PETER We're running out of space on the tape Just record over it.	
GROVER Whatever you say.	<i>Peter bounces back into the sound room.</i>
<i>Charlie rewinds the tape.</i>	
GROVER (talkback) You ready?	
<i>Charlie rolls tape.</i>	PETER Yep.
GROVER (talkback) Okay, we're rolling. <i>Right lights blink on the console.</i>	<i>Peter starts playing—it's more elaborate than</i>

<i>Charlie stops the tape.</i>	<i>what he was doing before... he stops midway.</i>
	PETER
GROVER (talkback)	That's wrong, huh.
I liked it simpler.	
	PETER
	Yeah, me too.
	Alright
<i>Grover and Charlie look at each other.</i>	Let's go back to the one I just did.
CHARLIE	
Fuck.	
GROVER (talkback)	
We erased it.	PETER
	What do you mean you erased it?
GROVER (talkback)	
You just asked me to record over it.	PETER
	<i>Why the fuck would you do that?</i>
GROVER (talkback)	
You asked me to.	PETER
	YOU FUCKING MORON
	ARE YOU A FUCKING IDIOT?
	(PAUSE)
	WHAT THE FUCK IS WRONG WITH YOUR
	BRAIN?
	HEY <i>FUCKFACE</i> I'M TALKING TO YOU!
	<i>Peter throws off his headphones.</i>
<i>He storms into the control room,</i>	
<i>heads for Grover —</i>	
PETER	
DO YOU WANT YOUR NECK // BROKEN?	
SIMON	
Peter! //	
<i>Charlie gets up and intercedes—</i>	
<i>it gets crazy very quickly.</i>	

CHARLIE
Whoa! // WHOA!

PETER
YOU TWIT! WHAT THE FUCK IS
WRONG WITH YOU?
IS SOMETHING // WRONG WITH
YOUR BRAIN?

GROVER
YOU TOLD ME TO ERASE // THE TRACK

*Peter marches at Grover, shoves him hard,
advances, shoves him again.*

CHARLIE
WHOA! PETER! // HEY HEY!

Simon rushes over and pulls Peter away.

SIMON
YOU TOLD HIM TO ERASE THE BLOODY
TRACK PETER.
(Peter starts to calm down)
Just do it over, man.

PETER (to Grover)
Fucking asshole.
You're fired. YOU'RE FIRED, GET THE
FUCK OUT OF HERE YOU'RE FIRED!

*Peter slams his fist into the wall— exits.
Grover is seriously rattled.*

SIMON
You're not fired. He's just being a complete
fucking asshole at the moment.

GROVER
He told me to record over it.

SIMON
You're alright. Why don't you have
a drink and we'll take a break.

Grover exits.

* * *

<p>PETER I'm sorry about the other day. I was an asshole. You were just doing your job.</p> <p>GROVER It's OK, man. No sweat.</p> <p>PETER (to Charlie) Sorry Man.</p> <p>CHARLIE I'm sorry too. I mean for you.</p> <p><i>Uncomfortable beat. Then Peter and Charlie hug it out—but awkward. Peter hugs Grover,</i></p>
--

49. Third, *Stereophonic* directly copies additional critical components of *Making Rumours*, replicating important themes and dialogue from *Making Rumours* that Mr. Adjmi could not have known unless he read *Making Rumours*. For example:

a. In *Making Rumours*, Mr. Caillat and Mr. Stiefel explain how Mr. Caillat and his co-producer and sound engineer, Richard Dashut, held a therapist-like role for the members of Fleetwood Mac and provided “the stabilizing force that the band needed to stay on track, musically, professionally, and emotionally.”²⁴ They write that this was because “[s]uccessful musicians are not normal,” and “[e]ach member of the band has his or her obsession.”²⁵ Mr. Caillat further explains that Mr. Dashut “only shared these problems with me when he felt that I needed to know,” because otherwise it would be “just gossip.”²⁶ In *Stereophonic*, Grover, one of the sound engineers, tells Charlie, another sound engineer, about Reg and Holly’s break up and similarly says, “I’m not trying to gossip but we need to know these things we need to have a strategy.” Later in the play, Grover says, “I’m a politician. I’m a shrink I’m a politician[.] It’s all politics, man everyone’s fucking insane.”

²⁴ MAKING RUMOURS, *supra* note 2, at 77.

²⁵ *Id.* at 62.

²⁶ *Id.* at 31.

b. Throughout *Making Rumours*, Mr. Caillat and Mr. Stiefel also describe the process of calibrating and tuning every microphone and instrument involved. As just one example of this excruciating process, the book described a situation in which the engineers had particular difficulty getting Mick Fleetwood’s drums to sound perfectly. The book explains that this process took an especially long and frustrating amount of time—five days.²⁷ *Stereophonic* copies this moment, describing a scene in which the sound engineers were at “day six with the drums,” and Grover says, “I feel like we’re going down a black hole.”

50. Finally, as further observed by *The New Yorker*, there are “odd details [in the play] that repeated odd details in ‘Making Rumours.’”²⁸ These are details and references that could only have come from Mr. Adjmi reading and copying Plaintiff’s book. These include:

a. In *Making Rumours*, Mr. Caillat described a unique catchphrase he used to begin recording sessions: “Wheels up.”²⁹ Mr. Caillat used this catchphrase because there were airline seats in the control room and the control room itself resembled the cockpit of a plane. In *Stereophonic*, Mr. Adjmi copies this exact phrase:

GROVER (talkback) Everyone ready?	
Charlie gets the tape ready. Charlie nods to Grover.	Peter nods.
GROVER (talkback) Wheels up. “Bright”, take 21.	
Charlie presses record. Meters moving. Red lights bouncing.	They start playing.

²⁷ MAKING RUMOURS, *supra* note 2, at 39–49.

²⁸ Schulman, *supra* note 7.

²⁹ MAKING RUMOURS, *supra* note 2, at 48.

b. In *Making Rumours*, Mr. Caillat and Mr. Stiefel wrote about the “Houseboat Wars” that were taking place in Mill Valley in 1976, a battle between the City of Mill Valley and bohemian houseboat owners over new infrastructure building and sanitation issues.³⁰ This discussion was prompted by Mr. Caillat’s view of the bay and houseboats from the Record Plant in Sausalito. Mr. Adjmi copies this reference in *Stereophonic* in a dialogue between Peter, Reg, and Simon about the “Houseboat Wars” between “the Hill People,” or “establishment types,” and “the Houseboat People” over “extend[ing] the shoreline and mak[ing] it a street.”

c. In *Making Rumours*, Mr. Caillat and Mr. Stiefel wrote that “Tony Orlando came in and walked up to the bar,” while members of Fleetwood Mac dined at their regular Italian restaurant in Los Angeles.³¹ In Act Four of *Stereophonic*, which is also set in Los Angeles, the “Diana” character proclaims that she “had mai tais with Tony Orlando last night.” As noted by *The New Yorker*, “Tony Orlando” is “not exactly a name you’d pluck from the air.”³²

d. *Making Rumours* noted that Lindsey Buckingham sometimes “asked us for a tape box, which he liked to use to roll his joints.”³³ Mr. Adjmi copies this exact “tape box” reference in *Stereophonic*, writing in the script: “PETER (to Charlie): Psssst! Hand me that tape box? *Charlie hands him the tape box. Peter rolls a joint on the tape box.*”

51. *Stereophonic* is not a parody, and it is not in any way a fair use of *Making Rumours*.

³⁰ MAKING RUMOURS, *supra* note 2, at 74.

³¹ *Id.* at 232.

³² Schulman, *supra* note 7.

³³ MAKING RUMOURS, *supra* note 2, at 41.

CLAIMS FOR RELIEF

COUNT ONE

(Copyright Infringement Under 17 U.S.C. § 501 Against All Defendants)

52. Plaintiffs incorporate by reference in their entirety the preceding paragraphs of this Complaint, as if fully set forth herein.

53. Plaintiffs are the owner of the copyright of the memoir *Making Rumours* (the “Work”).

54. As set forth above, the Work has been duly registered with the United States Copyright Office in accordance with the Copyright Act, 17 U.S.C. § 101, *et seq.* The Work is therefore subject to valid and subsisting protection under the laws of the United States.

55. The Work is an original work of authorship, does not infringe any pre-existing work, and is fixed in tangible media (*e.g.*, in physical books and electronic texts).

56. Defendants have directly and indirectly infringed Plaintiffs’ copyright in the Work by copying, reproducing, distributing, adapting the text of, performing, and displaying critical original elements of the Work that are protected by copyright without authorization from Plaintiffs, including by using and incorporating those elements in the script for *Stereophonic* and in live performances based on that script.

57. Defendants induced, caused, enabled, facilitated, and/or materially contributed to the infringing activities by either writing, producing, performing, or publishing and distributing derivative works of the Work without Plaintiffs’ authorization and in violation of Plaintiffs’ exclusive rights as provided by Plaintiffs’ copyright in the Work.

58. The Work is widely available, and Defendants had access to the Work through numerous means, including from book vendors and libraries and on the Internet. Mr. Adjmi has admitted that he read *Making Rumours*.³⁴

59. The script for *Stereophonic* is substantially similar to the Work and copies numerous original, creative elements of the Work, including concept, plot, scenes, characters, and dialogue. As alleged above, the plot, scenes, characters, and dialogue of the Work and *Stereophonic* contain significant and substantial similarities that are sometimes identical.

60. On information and belief, Defendants had actual or constructive knowledge when they wrote, produced, performed, and/or published the book version of *Stereophonic*, and are presently aware, (a) of the existence of the Work; and (b) that Defendants had no right to use the Work, or incorporate copyright-protected elements thereof, in *Stereophonic* for performance on the spoken stage or for publication in the form of a book. On information and belief, Defendants knowingly and willfully copied the Work, and certain original elements thereof, with full knowledge that they lacked any license or other authority to do so.

61. By reason of the foregoing, Defendants have directly and indirectly infringed Plaintiffs' copyright in the Work.

62. Defendants have received, and will continue to receive, direct financial benefits and substantial profits from *Stereophonic*.

63. Defendants also have harmed and will continue to harm the potential downstream market for adaptations of Plaintiffs' copyrighted work. Mr. Caillat has long made plans to adapt his book into a film. However, Mr. Adjmi also intends to adapt *Stereophonic* into a movie.³⁵ A

³⁴ Schulman, *supra* note 7.

³⁵ Evans, *supra* note 3.

movie version of *Stereophonic* will not only continue to infringe on Plaintiffs' copyright, but will also undermine any potential film that Plaintiffs make and cause Plaintiffs further harm.

64. As a direct and proximate result of the aforesaid infringement of Plaintiffs' copyright in the Work, Plaintiffs have been damaged in an amount to be determined at trial.

65. The injury that Plaintiffs have suffered and will continue to suffer unless Defendants' acts of infringement are enjoined is irreparable.

66. Plaintiffs have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing allegations and averments, Plaintiffs Kenneth Caillat and Steven Stiefel pray that this Court enter judgment in Plaintiffs' favor and against Defendants as follows:

- A. Damages in an amount to be determined at trial, with Plaintiffs reserving the right to elect whether to seek actual damages and profits earned from the infringement or statutory damages, pursuant to 17 U.S.C. § 504.
- B. A preliminary and permanent injunction enjoining the copying, publication, release, broadcast, performance, and other exploitation of *Stereophonic* and the related script.
- C. An award of attorney fees and costs, pursuant to 17 U.S.C. § 505.
- D. Such other and further relief as this Court deems just and appropriate.

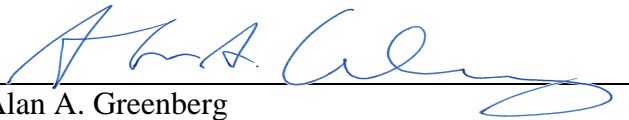
JURY DEMAND

Plaintiffs demand a trial by jury on all issues and claims so triable.

DATED: October 1, 2024

GREENBERG GROSS LLP

By:



Alan A. Greenberg

Brian L. Williams

(*pro hac vice* application forthcoming)

Heejin H. Hwang

(*pro hac vice* application forthcoming)

601 S. Figueroa Street, 30th Floor

Los Angeles, CA 90017

Telephone: (213) 334-7000

Facsimile: (213) 334-7001

agreenberg@ggtriallaw.com

bwilliams@ggtriallaw.com

hhwang@ggtriallaw.com

Attorneys for Plaintiffs

Kenneth Caillat and Steven Stiefel